

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 345**  
**91ST GENERAL ASSEMBLY**

---

Reported from the Committee on Local Government and Related Matters, April 12, 2001, with recommendation that the House Committee Substitute for Senate Bill No. 345 Do Pass.

TED WEDEL, Chief Clerk

1444L.03C

---

**AN ACT**

To repeal sections 71.285, 82.300 and 347.189, RSMo 2000, relating to property maintenance and to enact in lieu thereof four new sections relating to the same subject.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 71.285, 82.300 and 347.189, RSMo 2000, are repealed and four new  
2 sections enacted in lieu thereof, to be known as sections 71.285, 82.300, 263.232 and 347.189,  
3 to read as follows:

71.285. 1. Whenever weeds or trash, in violation of an ordinance, are allowed to grow  
2 or accumulate, as the case may be, on any part of any lot or ground within any city, town or  
3 village in this state, the owner of the ground, or in case of joint tenancy, tenancy by entireties or  
4 tenancy in common, each owner thereof, shall be liable. The marshal or other city official as  
5 designated in such ordinance shall give a hearing after ten days' notice thereof, either personally  
6 or by United States mail to the owner or owners, or his **or her** or their agents, or by posting such  
7 notice on the premises; thereupon, the marshal or other designated city official may declare the  
8 weeds or trash to be a nuisance and order the same to be abated within five days; and in case the  
9 weeds or trash are not removed within the five days, the marshal or other designated city official  
10 shall have the weeds or trash removed, and shall certify the costs of same to the city clerk, who  
11 shall cause a special tax bill therefor against the property to be prepared and to be collected by  
12 the collector, with other taxes assessed against the property; and the tax bill from the date of its  
13 issuance shall be a first lien on the property until paid and shall be prima facie evidence of the  
14 recitals therein and of its validity, and no mere clerical error or informality in the same, or in the

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

15 proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be  
16 issued by the city clerk and delivered to the collector on or before the first day of June of each  
17 year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per  
18 annum. Notwithstanding the time limitations of this section, any city, town or village located  
19 in a county of the first classification may hold the hearing provided in this section four days after  
20 notice is sent or posted, and may order at the hearing that the weeds or trash shall be abated  
21 within five business days after the hearing and if such weeds or trash are not removed within five  
22 business days after the hearing, the order shall allow the city to immediately remove the weeds  
23 or trash pursuant to this section. Except for lands owned by a public utility, rights-of-way, and  
24 easements appurtenant or incidental to lands controlled by any railroad, the department of  
25 transportation, the department of natural resources or the department of conservation, the  
26 provisions of this subsection shall not apply to any city with a population of at least seventy  
27 thousand inhabitants which is located in a county of the first classification with a population of  
28 less than one hundred thousand inhabitants which adjoins a county with a population of less than  
29 one hundred thousand inhabitants that contains part of a city with a population of three hundred  
30 fifty thousand or more inhabitants, any city with a population of one hundred thousand or more  
31 inhabitants which is located within a county of the first classification that adjoins no other county  
32 of the first classification, or any city, town or village located within a county of the first  
33 classification with a charter form of government with a population of nine hundred thousand or  
34 more inhabitants, or any city with a population of three hundred fifty thousand or more  
35 inhabitants which is located in more than one county, or the city of St. Louis, where such city,  
36 town or village establishes its own procedures for abatement of weeds or trash, and such city may  
37 charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is  
38 required to enforce a tax bill.

39       2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, or  
40 if trash is allowed to accumulate, on the same property in violation of an ordinance more than  
41 once during the same growing season in the case of weeds, or more than once during a calendar  
42 year in the case of trash, in any city with a population of three hundred fifty thousand or more  
43 inhabitants which is located in more than one county, in the city of St. Louis [or], in any city,  
44 town or village located in a county of the first classification with a charter form of government  
45 with a population of nine hundred thousand or more inhabitants **or in any fourth class city**  
46 **located in a county of the first classification with a charter form of government and a**  
47 **population of less than three hundred thousand**, the marshal or other designated city official  
48 may order that the weeds or trash be abated within five business days after notice is sent to or  
49 posted on the property. In case the weeds or trash are not removed within the five days, the  
50 marshal or other designated city official may have the weeds or trash removed and the cost of

51 the same shall be billed in the manner described in subsection 1 of this section.

52 3. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same  
53 property in violation of an ordinance more than once during the same growing season in the case  
54 of weeds, or more than once during a calendar year in the case of trash, in any city with a  
55 population of three hundred fifty thousand or more inhabitants which is located in more than one  
56 county, in the city of St. Louis [or], in any city, town or village located in a county of the first  
57 classification with a charter form of government with a population of nine hundred thousand or  
58 more inhabitants **or in any fourth class city located in a county of the first classification with**  
59 **a charter form of government and a population of less than three hundred thousand**, the  
60 marshal or other designated official may, without further notification, have the weeds or trash  
61 removed and the cost of the same shall be billed in the manner described in subsection 1 of this  
62 section. The provisions of subsection 2 and this subsection do not apply to lands owned by a  
63 public utility and lands, rights-of-way, and easements appurtenant or incidental to lands  
64 controlled by any railroad.

65 4. The provisions of this section shall not apply to any city with a population of one  
66 hundred thousand or more inhabitants which is located within a county of the first classification  
67 that adjoins no other county of the first classification where such city establishes its own  
68 procedures for abatement of weeds or trash, and such city may charge its costs of collecting the  
69 tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

82.300. 1. Any city with a population of [three] **four** hundred [fifty] thousand or more  
2 inhabitants which is located in more than one county may enact all needful ordinances for  
3 preserving order, securing persons or property from violence, danger and destruction, protecting  
4 public and private property and for promoting the general interests and ensuring the good  
5 government of the city, and for the protection, regulation and orderly government of parks,  
6 public grounds and other public property of the city, both within and beyond the corporate limits  
7 of such city; and to prescribe and impose, enforce and collect fines, forfeitures and penalties for  
8 the breach of any provisions of such ordinances and to punish the violation of such ordinances  
9 by fine or imprisonment, or by both fine and imprisonment; but no fine shall exceed five hundred  
10 dollars nor imprisonment exceed twelve months for any such offense, except as provided in  
11 subsection 2 of this section.

12 2. Any city with a population of [three] **four** hundred [fifty] thousand or more  
13 inhabitants which is located in more than one county which operates a publicly owned treatment  
14 works in accordance with an approved pretreatment program pursuant to the federal Clean Water  
15 Act, 33 U.S.C. 1251, et seq. and chapter 644, RSMo, may enact all necessary ordinances which  
16 require compliance by an industrial user with any pretreatment standard or requirement. Such  
17 ordinances may authorize injunctive relief or the imposition of a fine of at least one thousand

18 dollars but not more than five thousand dollars per violation for noncompliance with such  
19 pretreatment standards or requirements. For any continuing violation, each day of the violation  
20 shall be considered a separate offense.

21 3. Any city with a population of more than four hundred thousand inhabitants may enact  
22 all needful ordinances to protect public and private property from illegal and unauthorized  
23 dumping and littering, and to punish the violation of such ordinances by a fine not to exceed one  
24 thousand dollars or by imprisonment not to exceed twelve months for each offense, or by both  
25 such fine and imprisonment.

26 **4. Any city with a population of more than four hundred thousand inhabitants may**  
27 **enact all needful ordinances to protect public and private property from nuisance and**  
28 **property maintenance code violations, and to punish the violation of such ordinances by**  
29 **a fine not to exceed one thousand dollars or by imprisonment not to exceed twelve months**  
30 **for each offense, or by both such fine and imprisonment.**

**263.232. It shall be the duty of any person or persons, association of persons,**  
2 **corporations, partnerships, the state highways and transportation commission, any state**  
3 **department, any state agency, the county commissions, the township boards, school boards,**  
4 **drainage boards, the governing bodies of incorporated cities, railroad companies and other**  
5 **transportation companies or their authorized agents and those supervising state-owned**  
6 **lands:**

7 **(1) To control and eradicate the spread of cut-leaved teasel (*Dipsacus laciniatus*)**  
8 **and common teasel (*Dipsacus fullonum*), which are hereby designated as noxious and**  
9 **dangerous weeds to agriculture, by methods approved by the Environmental Protection**  
10 **Agency and in compliance with the manufacturer's label instructions; and**

11 **(2) To control the spread of kudzu vine (*Pueraria lobata*), which is hereby**  
12 **designated as a noxious and dangerous weed to agriculture, by methods approved by the**  
13 **Environmental Protection Agency and in conformity with the manufacturer's label**  
14 **instructions.**

347.189. Any limited liability company that owns and rents or leases real property, **or**  
2 **owns unoccupied real property**, located within any home rule city with a population of more  
3 than four hundred thousand inhabitants which is located in more than one county, shall file with  
4 that city's clerk an affidavit listing the name and address of at least one person, who has  
5 management control and responsibility for the real property owned and leased or rented by the  
6 limited liability company, **or owned by the limited liability company and unoccupied.**